

*I Mina'trentai Singko Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
358-35 (COR)	Telena Cruz Nelson	AN ACT TO ADD A NEW § 32120.1 TO CHAPTER 32 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO CODIFYING THE GOVERNOR'S EXECUTIVE ORDER 2020-08.	5/18/20 2:09 p.m.						

***I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN***  
**2020 (SECOND) Regular Session**

**Bill No. 358-35 (COR)**

Introduced by:

Telena Cruz Nelson



**AN ACT TO ADD A NEW § 32120.1 TO CHAPTER 32 OF  
TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO  
CODIFYING THE GOVERNOR'S EXECUTIVE ORDER  
2020-08.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1.** A new § 32120.1 is added to Chapter 32 of Title 10, Guam Code Annotated, to read:

**"§ 32120.1. Hazardous Pay In Support of the State of Emergency  
in Response to the corona virus disease 2019 (COVID-19)."**

(a) During a public health emergency and in response to COVID-19, any government of Guam employee who, in the line and scope of his or her employment, constitutes an essential employee within any of the following categories shall be entitled to a COVID-19 hazardous pay differential as follows:

(1) Category 1. Twenty-five percent (25%) hazardous pay differential to essential employees, who in the course of their duties are in direct contact or in close physical proximity to a population infected with or may be reasonably suspected to be infected with COVID-19. Such positions may include, but not be limited to, sworn public safety/law enforcement officers,

1 health care providers, and other positions performing essential  
2 critical mission duties

3 (2) Category 2. Fifteen percent (15%) hazardous pay  
4 differential to essential employees, who in the course of  
5 their duties may incidentally come into contact with or close  
6 physical proximity to a population infected with or may be  
7 reasonably suspected to be infected with COVID-19. These  
8 employees may also be providing humanitarian services or  
9 direct public assistance to the general public.

10 (3) Category 3. Ten percent (10%) hazardous pay  
11 differential to essential employees whose positions do not allow  
12 them to telework and are mandated to perform their job duties  
13 at physical worksites pre-determined by their agency heads, as  
14 required by the government of Guam's response to the COVID-  
15 19 pandemic.

16 (b) Unclassified employees working in the Office of the  
17 Governor and the Office of the Lieutenant Governor, agency directors  
18 and deputy directors shall not be eligible for the COVID-19 hazardous  
19 pay differential except for such instances where assigned duties  
20 require an exposure level of risk defined in Categories 1 or 2.

21 (c) Notwithstanding the Administrative Adjudication Law, a  
22 director or agency head or equivalent thereof in the case of any  
23 government of Guam branch, agency, autonomous or semi-  
24 autonomous agency, department, instrumentality, public corporation,  
25 and all other entities of the government, no matter how designated,  
26 including, but not limited to, any Mayor's office, shall promulgate  
27 rules and regulations to implement this Section. Such rules and

1 regulations shall include determinations of positions deemed  
2 "essential" under each category provided under this§ 32120.l(a);  
3 provided, that all rules and regulations shall be subject to written  
4 certification and approval by I *Maga'hågan Guåhan*.

5 (d) Regardless of whether the site is owned or operated by  
6 the government of Guam, an employee entitled to a COVID-19  
7 hazardous pay differential under this Section shall not be  
8 eligible for compensation as provided in § 32114 of this Chapter.

9 (e) A COVID-19 hazardous pay differential shall  
10 be retroactive to March 14, 2020.

11 **Section 2. Severability.** If any provision of this Act or its application to  
12 any person or circumstance is found to be invalid or contrary to law, such  
13 invalidity shall not affect other provisions or applications of this Act that can be  
14 given effect without the invalid provision or application, and to this end the  
15 provisions of this Act are severable.

16 **Section 3.** This Act shall be effective upon enactment.  
17